

VACATION

Declaratory  
~~Improvement~~ Res. No. 868 - 1953

For the opening of twelve (12)  
foot alleys in Novitsky's  
Addition.

Resolution Adopted:

Jan 20, 1953

Confirmed:

ALL CITY RECORDS

Bids Received:

FEB 3 1953

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

For the ~~Vacation~~ Opening ~~Condemnation of right of way for utility purposes~~ of twelve (12) Ft. alleys in Novitsky's Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open twelve (12) Ft. alleys in Novitsky's Addition, whose center lines are described as follows:

(See attached Sheet)

All as shown by a plan of such proposed Opening ~~Vacation~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The opening of said alleys as above described is to be made by condemning and appropriating for alley purposes the south eight (8) Ft. of Lots 1 to 7, Novitsky's Addition, the north four (4) Ft. of Lots 8 & 32, Novitsky's Addition, the east twelve (12) Ft. of Lots 8 to 17, Novitsky's Addition, the west twelve (12) Ft. of ~~The cost of said Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes shall be assessed against the property beneficially affected thereby.~~ Lots 24 to 32, Novitsky's Addition, and triangular pieces of Lots 17 ~~to~~ 24, Novitsky's Addition and part of Lot No. 7, Brackenridge's 2nd Sub.

The cost of said opening shall be assessed against the property beneficially affected ~~thereby.~~ The property which may be injuriously or beneficially affected by such ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes is described as follows:~~ Lots 1 to 32, inclusive in Novitsky's Addition and part of Lot No. 7, Brackenridge's 2nd Sub. Both Addit' ns to the City of Fort Wayne, Indiana.

~~All lots and lands~~

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by <sup>SAY</sup> above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental <sup>S</sup> thereof.

~~The vacation of the above described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described opening lie in the southwest quarter of Section 10, Wayne Township 30 North, Range 12 East, and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 20th DAY OF January 1953.

Attest: Frank L. Ross  
Secretary Board of Public Works.

Edw. J. Rayson  
Robert J. Adams  
Chas. M. Welling  
Board of Public Works.

Beginning at a point on the west property line of Byron Avenue, said point being two (2) ft. north of the north property line of Lot No. 8, Novitsky's Addition, thence west on a line parallel to Lot No. 8, Novitsky's Addition to a point on the west property line of Novitsky's Addition, said point being two (2) ft. north of the south property line of Lot No. 7, Novitsky's Addition. Thence beginning at a point on the south property line of Lot No. 7, Novitsky's Addition and Six (6) ft. east of the west property line of Novitsky's Addition, thence south on a line parallel to the west property line of Novitsky's Addition to a point on the south property line of Lot No. 17, Novitsky's Addition and six (6) ft. east of the southwest corner of Lot 17, Novitsky's Addition. Thence beginning at a point on the west property line of Novitsky's Addition and six (6) ft. north of the southwest corner thereof, thence easterly to a point on the west property line of Byron Avenue and Six (6) ft. south of the southeast corner of Lot 17, Novitsky's Addition. Also a five (5) ft. cutoff on Lot No. 8, Novitsky's Addition and a seven (7) ft. cutoff on Lot 17, Novitsky's Addition according to attached plat.

Also beginning at a point on the east property line of Byron Avenue and six (6) ft. north of the south property line of Lot No. 24, Novitsky's Addition, thence easterly to a point on the east property line of Novitsky's Addition and six (6) ft. south of the north property line of Lot No. 23, Novitsky's Addition. Thence beginning at a point six (6) ft. west of the east property line of Novitsky's Addition and twelve (12) ft. south of the north property line of Lot No. 23, Novitsky's Addition, thence north to a point six (6) ft. west of the east property line of Novitsky's Addition and eight (8) ft. north of the south property line of Lot No. 1, Novitsky's Addition. Thence beginning at a point on the east property line of Novitsky's Addition and two (2) ft. north of the south property line of Lot No. 1, Novitsky's Addition, thence west to a point on the east property line of Byron Avenue and two (2) ft. north of the south property line of Lot No. 4, Novitsky's Addition. Also five (5) ft. cutoffs on Lots 24 and 32, Novitsky's Addition according to attached plat.



Description for the opening of twelve (12) Ft. alleys whose center lines are described as follows:

Beginning at a point on the West Property Line of Byron Avenue, said point being two (2) Ft. North of the North Property Line of Lot No. 8, Novitsky's Addition, thence West on a line parallel to Lot No. 8, Novitsky's Addition to a point on the West Property Line of Novitsky's Addition, said point being two (2) Ft. North of the South Property Line of Lot No. 7, Novitsky's Addition. Thence beginning at a point on the South Property Line of Lot No. 7, Novitsky's Addition and Six (6) Ft. East of the West Property Line of Novitsky's Addition, thence South on a line parallel to the West Property Line of Novitsky's Addition to a point on the South Property Line of Lot No. 17, Novitsky's Addition and Six (6) Ft. East of the Southwest corner of Lot 17, Novitsky's Addition. Thence beginning at a point on the West Property Line of Novitsky's Addition and Six (6) Ft. North of the Southwest corner thereof, thence Easterly to a point on the West Property Line of Byron Avenue and Six (6) Ft. South of the Southeast corner of Lot 17, Novitsky's Addition.

Also beginning at a point on the East Property Line of Byron Avenue and Six (6) Ft. North of the South Property Line of Lot No. 24, Novitsky's Addition, thence Easterly to a point on the East Property Line of Novitsky's Addition and Six (6) Ft. South of the North Property Line of Lot No. 23, Novitsky's Addition. Thence beginning at a point Six (6) Ft. West of the East Property Line of Novitsky's Addition and Twelve (12) Ft. South of the North Property Line of Lot No. 23, Novitsky's Addition, thence North to a point Six (6) Ft. West of the East Property Line of Novitsky's Addition and Eight (8) Ft. North of the South Property Line of Lot No. 1, Novitsky's Addition. Thence beginning at a point on the East Property Line of Novitsky's Addition and Two (2) Ft. North of the South Property Line of Lot No. 1, Novitsky's Addition, thence West to a point on the East Property Line of Byron Avenue and Two (2) Ft. North of the South Property Line of Lot No. 4, Novitsky's Addition.

Alleys also contain Five (5) Ft. cutoffs at the corners of Lots No. 8, 24, and 32, Novitsky's Addition and a Seven (7) Ft. cutoff at the corner of Lot No. 17, Novitsky's Addition.



Dec. 30, 1952

Mr. C. R. McAnlis  
City Engineer  
City Hall

Dear Sir:

You are hereby instructed to prepare plans, specifications, estimate and resolution for the description for the opening of twelve (12) ft. alleys whose center lines are described as follows:

Beginning at a point on the west property line of Byron Avenue, said point being two (2) ft. north of the north property line of Lot No. 8, Novitsky's Addition, thence west on a line parallel to Lot No. 8, Novitsky's Addition to a point on the west property line of Novitsky's Addition, said point being two (2) ft. north of the south property line of Lot No. 7, Novitsky's Addition. Thence beginning at a point on the south property line of Lot No. 7, Novitsky's Addition and Six (6) ft. east of the west property line of Novitsky's Addition, thence south on a line parallel to the west property line of Novitsky's Addition to a point on the south property line of Lot No. 17, Novitsky's Addition and six (6) ft. east of the southwest corner of Lot 17, Novitsky's Addition. Thence beginning at a point on the west property line of Novitsky's Addition and six (6) ft. north of the southwest corner thereof, thence easterly to a point on the west property line of Byron Avenue and Six (6) ft. south of the southeast corner of Lot 17, Novitsky's Addition.

Also beginning at a point on the east property line of Byron Avenue and six (6) ft. north of the south property line of Lot No. 24, Novitsky's Addition, thence easterly to a point on the east property line of Novitsky's Addition and six (6) ft. south of the north property line of Lot No. 23, Novitsky's Addition. Thence beginning at a point six (6) ft. west of the east property line of Novitsky's Addition and twelve (12) ft. south of the north property line of Lot No. 23, Novitsky's Addition, thence north to a point six (6) ft. west of the east property line of Novitsky's Addition and eight (8) ft. north of the south property line of Lot No. 1, Novitsky's Addition. Thence beginning at a point on the east property line of Novitsky's Addition and two (2) ft. north of the south property line of Lot No. 1, Novitsky's Addition, thence west to a point on the east property line of Byron Avenue and two (2) ft. north of the south property line of Lot No. 4, Novitsky's Addition.

Alleys also contain five (5) ft. cutoffs at the corners of Lots No. 8, 24 and 32, Novitsky's Addition and a seven (7) ft. cutoff at the corner of Lot No. 17, Novitsky's Addition.

Yours truly,

ATTEST:

FKR:m

Secretary

BOARD OF PUBLIC WORKS

Original pattern filed  
with Dec. Rec. # 871



January 27, 1953

Board of Public Works  
City Hall  
Fort Wayne, Indiana

SUBJECT: Declaratory Resolution No. 868, 1953 - Relative to  
opening of alleys in Novitsky's Addition.

Gentlemen:

Declaratory Resolution No. 868 concerns, basically, the opening of alleys at the rear of the lots on the east and west side of Byron Avenue in the Novitsky's Addition. The resolution calls for the rear twelve feet (12') of these lots to be opened up as an alley together with certain access alleys for the lots that face on Brown Street and Hale Avenue.

All three Utilities, the Indiana & Michigan Electric Co, the Home Telephone & Telegraph Company and the City Light Utility have poles installed in the rear of all of these lots. In the original plan, a ten foot (10') easement was set aside for utility purposes and because there were no easements in the lots adjoining Novitsky's Addition, our poles were set three feet (3') on to the lots in Novitsky's Addition so as not to overhang the adjacent property. Now apparently this ten foot (10') easement is being changed to a twelve foot (12') alley and our poles will be located three feet (3') in on the alley. We believe that this will cause considerable confusion with the property owners as the alley is put into service and will eventually cause the utilities to have to move these poles so as not to disrupt traffic in the proposed alleys.

The Utilities, meaning I&M, HT&T CO., and City Light would like to have this resolution reworded so that in the rear of Lots #8 to 17 inclusive and Lots #24 to 34 inclusive, the rear three feet (3') will be set aside as a utility easement and then the next ten or twelve feet set aside as a declared alley. This would permit the hundreds of dollars we have spent for utility lines and poles, to remain in tact as these poles were set in good faith with assurance that they would not have to be moved in the immediate future; and by providing this three foot (3') easement, the utility will be assured of their proper location as they now stand.

There are approximately fourteen (14) utility poles involved in this proposed alley and the cost of rearranging these poles is not justifiable at this time.





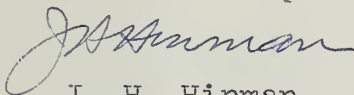
The Electrical Engineering staff discussed this matter with Mr. Novitsky several weeks ago and requested that the alley dedication be as outlined above, but at the time the petition had already been started in to the Board of Works. We suggest that the Declaratory Resolution be rewritten to conform with the above ideas which Mr. Novitsky is well aware of.

The access alleys to the above mentioned new alleys would involve the moving of probably five or six poles. We feel that this is perhaps justifiable because there is no way of plotting these access alleys without disturbing the existing pole lines. We are referring to the alleys in the rear of the lots facing Brown Street and the lots facing Hale Avenue. We believe that the three utilities will be co-operative in moving two poles apiece for the access alleys, where they would object very seriously to moving seven or eight poles apiece for the lots facing on Byron Avenue.

May we have your co-operation on this matter.

Very truly yours,

C I T Y   U T I L I T I E S



J. H. Hinman  
Chief Electrical Engineer

JHH:je

CC: Ralph Johnson - Tel Co.  
Willis Webb - I&M

